



AP/CFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James F. Kohi

Serial No.: 09/619,957

Filed: July 20, 2000

For: SECURE MEDICAL FACILITY
REPORT PREPARATION AND
DELIVERY

§ Group Art Unit: 3626
§ Examiner: Morgan, Robert W.
§ Atty. Docket: 15SV5489-1/YOD
§ GEMS:0085
§

Mail Stop Appeal Brief-Patents
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March 24, 2006	Lynda Howell
Date	Signature of Lynda Howell

REPLY BRIEF

Dear Sir:

This is in reply to the Examiner's Answer in the present Appeal, mailed January 30, 2006.

Appellant notes that the Examiner's Answer essentially simply repeats the rejections formulated in the most recent Office Action. As such, it is of little help in establishing any further the reasons for the rejections or in particularly addressing the arguments advanced by the Appellant in the Brief. The Examiner's Answer does include a section responding to the Appellant's arguments, but this also is of little help. Most noteworthy in the Examiner's position is the fact that the Examiner completely dismisses

a distinction between “memory” and a “processing space.” Moreover, the Examiner continues to confuse the invention with what is known in the art as “telemedicine.”

As discussed at length in the Appellant’s Brief, all of the independent claims relate to separation of processing spaces. Such separation is highly useful, in accordance with the invention, for protecting confidentiality of patients, protecting sensitive data in medical institutions, and so forth. Essentially, the use of a security device or mechanism for securely separating processing spaces allows for data to be stored and processed in a first space, and then exported to a second space for further processing, such as for establishment of reports and the like.

The Examiner’s continued reliance upon Montagna for teaching DRAM/SRAM circuits simply confuses the issues. No one skilled in the art, regardless of the definition of “processing” would confuse separate locations in a memory circuit with “processing spaces.” The Appellant believes that the claims are easily distinguished from both Montagna and Wong based upon the plain language of the claims alone. However, throughout the present application many references are made to the type of processing that is performed in both the first and second processing spaces recited in the claims. The reliance upon separate memory locations in the prior art simply cannot suffice to establish a *prima facie* case of obviousness.

The Examiner’s confusion of the claimed systems and methods with telemedicine also muddles the issues. The Wong reference is intended to permit image distribution. Such image distribution is commonly performed for providing medical and other images to professionals, particularly radiologists in the medical field. No one in the art would confuse such exchanged images with “data representative of operations or activities of a medical facility,” as claimed. The Examiner would respond (*see*, pages 20 and 21 of the Examiner’s Answer) that such distinctions are “only found in non-functional data stored in the data repository of the first processing space.” This position, however, misses the

point. The type of data recited in the claims is important to the very nature and purpose of the system components and method steps claimed. The Appellant submits that this language must be considered by the Board for reasons of patentability.

The Appellant therefore requests that the Board carefully consider the distinctions brought out in the Appellant's Brief. Moreover, the Appellant maintains the position that the references, even if combined, simply do not teach a person skilled in this art all of the claimed elements.

Respectfully submitted,

Date: 3/24/2006

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